IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 434 OF 2006

Sudharani Satish Mishra .. Petitioner.

V/s.

1. Ramadhar Mishtra, President,
Shastri Shikshan Sansthan & Ors. .. Respondents.

Ms. T.K.Bairagdan i/by M/s. M.P. Vashi & Associates for the Petitioner.

Mrs. Geeta Mulekar, AGP for the Respondent No.5.

Mr.S.J.Panickar for the Respondent Nos. 1,2 & 4.

CORAM : S. A. BOBDE, J.

DATED : 14th AUGUST, 2007.

P.C. :-

. According to the petitioner, the respondents have committed contempt of the court by not reinstating the petitioner in the post of headmistress and paying the arrears of salary in violation of the Addl. School Tribunal's order dated 18.11.2005, as confirmed by this court.

2. The learned counsel for the respondents- contemnors points out from the affidavit in reply that the Hon'ble Supreme Court has permitted the management to hold an

enquiry against the petitioner and has also directed reinstatement of the petitioner, which has been done. He further points out that the Supreme Court has observed that the management will not be liable to pay back wages and the amount which has been deposited in the High Court shall not be withdrawn until the enquiry is completed. There is no dispute that the enquiry is pending and apparently, the petitioner has been suspended in the enquiry on 25.05.2007 w.e.f. 28.05.2007.

3. In the circumstances, there is no reason to carry on with the proceedings for contempt since the petitioner is already reinstated and is not entitled to withdraw the arrears of salary which are admittedly deposited in this court in accordance with the order of the Hon’ble Supreme Court.

4. The petitioner is at liberty to apply for current salary or suspension allowance in accordance with the law.

5. The petition is disposed of.

(S.A.BOBDE,J.)

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